

3/22/19

2:33 p.m.

Chapter No. 381
19/HR26/R1768
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HOUSE BILL NO. 1269

Originated in House



Clerk

HOUSE BILL NO. 1269

AN ACT TO AMEND SECTION 49-15-46, MISSISSIPPI CODE OF 1972, TO ESTABLISH LICENSING AND FEES FOR VESSELS ENGAGED IN OFF-BOTTOM OYSTER AQUACULTURE OPERATIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 49-15-46, Mississippi Code of 1972, is amended as follows:

49-15-46. (1) Each vessel used to catch, take, carry or transport oysters from the reefs of the State of Mississippi, or engaged in transporting any oysters in any of the waters within the territorial jurisdiction of the State of Mississippi, for commercial use, shall annually, before beginning operations, be licensed by the commission and pay the following license fee:

(a) Fifty Dollars (\$50.00) on each in-state vessel or boat * * * used for tonging oysters or gathering oysters by hand;

(b) One Hundred Dollars (\$100.00) on each in-state vessel or boat * * * used for dredging oysters;

(c) One Hundred Dollars (\$100.00) on each out-of-state vessel or boat * * * used for tonging oysters or gathering oysters by hand; * * *

(d) Two Hundred Dollars (\$200.00) on each out-of-state vessel or boat * * * used for dredging oysters * * *;

(e) Fifty Dollars (\$50.00) on each in-state vessel or boat used for off-bottom oyster aquaculture operations; or

(f) One Hundred Dollars (\$100.00) on each out-of-state vessel or boat used for off-bottom oyster aquaculture operations.

(2) Each captain of each commercial vessel, used for either tonging * * *, dredging, or off-bottom oyster aquaculture shall purchase a license entitled "captain license - oyster" for a fee not to exceed Ten Dollars (\$10.00) and may designate one (1) alternate captain for each license.

(3) The commission may authorize the transfer of a vessel license to a different vessel provided that the owner of both vessels is the same titled owner.

(4) All oysters harvested in the State of Mississippi shall be tagged. Tags shall be issued by the department and shall bear the catcher's name, the date and origin of the catch, the shell stock dealer's name and permit number. The department shall number all tags issued and shall maintain a record of those tags. The commission, in its discretion, may adopt any regulations regarding the tagging of oysters and other shellfish.

(5) Each person catching or taking oysters from the waters of the State of Mississippi for personal use shall obtain a permit from the commission and pay an annual recreational oyster permit fee of Ten Dollars (\$10.00). Oysters caught under a recreational permit shall not be offered for sale. The limits on the allowable catch of oysters for recreational purposes shall be three (3) sacks per week. The department shall issue tags of a distinguishing color to designate recreationally harvested oysters, which shall be tagged on the same day of harvest in the manner prescribed in subsection (4) of this section for commercially harvested oysters or by regulation of the commission.

(6) The commission shall assess and collect a shell retention fee for the shells taken from waters within the territorial jurisdiction of the State of Mississippi as follows:

(a) Commercial and recreational harvesters - Fifteen Cents (15¢) per sack paid to the department on the day of harvest;

(b) Initial oyster processor, dealer or factory first purchasing the oysters - Fifteen Cents (15¢) per sack paid to the department no later than the tenth day of the month following the purchase, on forms submitted by the department;

(c) Commercial harvesters transporting their catch out of the state - Fifty Cents (50¢) per sack paid to the department on the day of harvest, in addition to the fees paid in subsection (6) (a); and

(d) Commercial harvesters not selling their oysters to a Mississippi dealer - Fifteen Cents (15¢) per sack paid to the department on the day of harvest, in addition to fees paid in subsection (6)(a).

Funds received from the shell retention fee shall be paid into a special fund in the State Treasury to be appropriated by the Legislature for use by the commission to further oyster production in this state, which includes plantings of oysters and/or cultch materials.

(7) During open seasons, oysters may be taken only by hands, tongs and dredges.

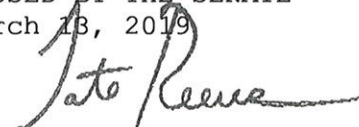
(8) Vessels licensed under Section 49-15-46 may keep in whole, for personal consumption up to thirty-six (36) blue crabs (portunidae family), per day. This exemption for personal consumption does not apply to fish or crabs that are otherwise illegal to possess or catch.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 12, 2019


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 13, 2019


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

3/22/2019
2:33pm